

# National Park Management

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## Summary

The 110<sup>th</sup> Congress is considering legislation and conducting oversight on National Park Service (NPS) related topics. The Administration is addressing park issues through budgetary, regulatory, and other actions. This report focuses on several key topics.

**Centennial Initiative.** President Bush's National Park Centennial Initiative seeks to add up to \$3 billion for national park units over 10 years through: (1) an additional \$100.0 million annually in discretionary funds; (2) public donations of least \$100.0 million annually; and (3) a federal match of the public donations with up to \$100.0 million annually. Legislation to establish a mandatory matching program along the lines of the President's initiative has been introduced (H.R. 2959 and S. 1253), while H.R. 3094 and S. 2817 would take a different approach.

**Maintenance Backlog.** Attention has focused on the NPS's maintenance backlog. Estimates of the backlog have increased from an average of \$4.25 billion in FY1999 to \$9.61 billion in FY2007; it is unclear what portion may be attributable to better estimates or the addition of maintenance work not done on time. The NPS has been defining and quantifying its maintenance needs through comprehensive condition assessments of facilities. The results are being used in part to determine the allocation of maintenance funding and to identify assets for disposal. H.R. 1731 seeks to eliminate the NPS annual operating deficit and maintenance backlog.

**Science in the Parks.** Various science-related activities pertain to park management. One involves monitoring and protecting air quality—the regional haze issue. Another is possible commercialization (bio-prospecting) of unique organisms found in some park units. The NPS is developing a proposal on benefits sharing—agreements for using the results of research on organisms in parks. A third science-related issue is research in the parks. The NPS receives funds for natural and cultural research programs.

**Security.** The NPS has sought to enhance security of park units, with efforts focused on national icons and park units along international borders. Evaluations of park police and security operations have been mixed. Several bills pertaining to immigration reform and border security contain provisions to enhance security at park units along U.S. borders. The President is seeking additional funding for FY2009 for park police and law enforcement.

**Wild and Scenic Rivers.** The Wild and Scenic Rivers System preserves free-flowing rivers, which are designated by Congress or through state nomination with approval by the Secretary of the Interior. The NPS manages 37 river units, totaling 3,043.7 miles. The NPS, and other federal agencies with management responsibility, prepare management plans to protect river values. Management of lands within river corridors is sometimes controversial, in part because of the possible effects of designation on private lands and of corridor activities on the rivers. P.L. 110-229 established the Eightmile Wild and Scenic River. Legislation has been introduced to designate, study, or extend components of the system.

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## Introduction

The National Park System is perhaps the federal land best known to the public. The National Park Service (NPS) in the Department of the Interior (DOI) manages 391 units, including units formally entitled *national parks* and a host of other designations.<sup>1</sup> The system has more than 84 million acres.<sup>2</sup> The NPS had an appropriation of about \$2.39 billion for FY2008. For FY2009, the Administration requested \$2.40 billion. FY2009 appropriations have not been enacted to date. The NPS estimates its level of employment at 20,739 FTEs for FY2008, and seeks funding for 21,649 FTEs for FY2009.<sup>3</sup>

The NPS statutory mission is multifaceted: to conserve, preserve, protect, and interpret the natural, cultural, and historic resources of the nation for the public, and to provide for their use and enjoyment by the public. The use and preservation of resources has appeared to some as contradictory and has resulted in management challenges. Attention centers on how to balance the recreational use of parklands with the preservation of park resources, and determine appropriate levels and sources of funding to maintain NPS facilities and to manage NPS programs. In general, activities that harvest or remove resources from units of the system are not allowed. The NPS also supports the preservation of natural and historic places and promotes recreation outside the system through grant and technical assistance programs.

The establishment of several national parks preceded the 1916 creation of the National Park Service (NPS) as the park system management agency. Congress established the nation's first national park—Yellowstone National Park—in 1872. The park was created in the then-territories of Montana and Wyoming “for the benefit and enjoyment of the people,” and placed “under the exclusive control of the Secretary of the Interior” (16 U.S.C. §§ 21-22). In the 1890s and early 1900s, Congress created several other national parks mostly from western public domain lands, including Sequoia, Yosemite, Mount Rainier, Crater Lake, and Glacier. In addition to the desire to preserve nature, there was interest in promoting tourism. Western railroads, often recipients of vast public land grants, were advocates of many of the early parks and built grand hotels in them to support their business.

There also were efforts to protect the sites and structures of early Native American cultures and other special sites. The Antiquities Act of 1906 authorized the President to proclaim national monuments on federal lands that contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” (16 U.S.C. § 431). Most national monuments are managed by the NPS. (For more information, see CRS Report RS20902, *National Monument Issues*, by Carol Hardy Vincent.)

There was no system of national parks and monuments until 1916, when President Wilson signed a law creating the NPS to manage and protect the national parks and many of the monuments. That *Organic Act* provided that the NPS “shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations ... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such

<sup>1</sup> Descriptions of the different designations are on the NPS website at <http://www.nps.gov/legacy/>. Brief information on each unit is contained in U.S. Dept. of the Interior, National Park Service, *The National Parks: Index 2005-2007* (Washington, DC: 2005).

<sup>2</sup> This figure includes an estimated 79 million acres of federal land, 1 million acres of other public land, and 4 million acres of private land within unit boundaries. NPS policy is to acquire these nonfederal *inholdings* from willing sellers, as funds are available, or to create special agreements to encourage landowners to sell.

<sup>3</sup> A full-time equivalent (FTE) is the staffing of federal civilian employee positions expressed in annual productive work hours, according to the Office of Management and Budget. These statistics on FTEs are taken from *Fiscal Year 2009, The Interior Budget in Brief*, p. BH-71, available at <http://www.doi.gov/budget/>.

manner and by such means as will leave them unimpaired for the enjoyment of future generations” (16 U.S.C. § 1). President Franklin D. Roosevelt greatly expanded the system of parks in 1933 by transferring 63 national monuments and historic military sites from the USDA Forest Service and the War Department to the NPS.

The 110<sup>th</sup> Congress is considering legislation or conducting oversight on many NPS-related topics. Several major topics are covered in this report: proposals to enhance NPS funding before the agency’s 2016 centennial; the NPS maintenance backlog; science-related activities at national park units; security of NPS units and lands; and management of wild and scenic rivers, which are administered by the NPS or another land management agency.

While in some cases the topics covered are relevant to other federal lands and agencies, this report does not comprehensively cover topics primarily affecting other lands/agencies. For background on federal land management generally, see CRS Report R40225, *Federal Land Management Agencies: Background on Land and Resources Management*, coordinated by Ross W. Gorte. Overview information on numerous natural resource issues, focused on resource use and protection, is provided in CRS Report RL33806, *Natural Resources Policy: Management, Institutions, and Issues*, by Carol Hardy Vincent, Julie Jennings, and Nicole T. Carter. Information on appropriations for the NPS is included in CRS Report RL34461, *Interior, Environment, and Related Agencies: FY2009 Appropriations*, by Carol Hardy Vincent et al. Information on BLM and Forest Service lands is contained in CRS Report RL33792, *Federal Lands Managed by the Bureau of Land Management (BLM) and the Forest Service (FS): Issues for the 110<sup>th</sup> Congress*, by Ross W. Gorte et al.

Several other NPS-related topics are covered in other CRS reports. For example, how national park units are created and what qualities make an area eligible to be an NPS unit are of continuing interest. (For more information, see CRS Report RS20158, *National Park System: Establishing New Units*, by Carol Hardy Vincent.) Legislation has been considered in recent Congresses to study, designate, and fund particular National Heritage Areas (NHAs) as well as to establish a process and criteria for designating and managing NHAs. (For more information, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*, by Carol Hardy Vincent and David L. Whiteman.) Recent decades have witnessed increased demand for a variety of recreational opportunities on federal lands and waters. New forms of motorized recreation have gained in popularity, and the use of motorized off-highway vehicles (OHVs) has been particularly contentious. (For more information, see CRS Report RL33525, *Recreation on Federal Lands*, by Kori Calvert et al.)

## Current Issues

### Centennial Initiative

(by Carol Hardy Vincent)

To be ready for the NPS’s 100<sup>th</sup> anniversary in 2016, the Administration and Congress have proposed multi-year initiatives to strengthen visitor services and other park programs. The National Park Centennial Initiative, first announced by President Bush in August 2006, seeks to add up to \$3 billion in new funds for the parks over 10 years through a joint public/private effort. The initiative has three components: (1) a commitment to add \$100.0 million annually in discretionary funds; (2) a challenge for the public to donate at least \$100.0 million annually; and (3) a commitment to match the public donations with federal funds of up to \$100.0 million annually.

In furtherance of the first component of the initiative, for FY2009 the Administration requested additional funds within the line item “Operation of the National Park System.” Specifically, the Administration is seeking a total of \$2.13 billion in park operations for FY2009, an increase of \$160.9 million over the FY2008 level of \$1.97 billion. FY2009 appropriations for NPS programs have not been enacted to date. The Administration also had sought, and received, an increase in park operations for FY2008, the first year of the centennial initiative.

For the third component of the initiative, the President proposed establishing a mandatory program with \$100.0 million annually for 10 years to match private donations. Companion legislation (H.R. 2959 and S. 1253) has been introduced to create a mandatory program along the lines of the President’s initiative. The bills would establish the National Park Centennial Challenge Fund in the Treasury consisting of cash donations and matching appropriations from the general fund of the Treasury. The match may not exceed \$100.0 million for each of 10 years beginning with FY2008. The funds are available, without further appropriation, to finance “signature projects and programs.” These projects and programs will be identified by the NPS Director as helping prepare the national parks for another century of conservation, preservation, and enjoyment.

Another House bill (H.R. 3094) also would establish a National Park Centennial Fund in the Treasury, but would take a different approach. It would consist of \$30.0 million annually over 10 years. The funds would be available beginning with FY2009, and would be available without further appropriation. The Administration is to include a list of proposals for funding in its annual budget submissions to Congress. The proposals must be consistent with certain criteria and initiatives set out in the bill. The bill specifies seven park initiatives, in the areas of education, diversity, support for park professionals, environmental leadership, natural resource protection, cultural resource protection, and health and fitness. No matching funds would be required, but the Secretary of the Interior may accept donations for centennial projects and programs. The bill also provides a \$30.0 million “offset for the Centennial Fund by repealing Section 9 of the Land and Water Conservation Fund Act.”<sup>4</sup> That provision of law currently provides \$30.0 million of annual contract authority for federal land acquisitions.<sup>5</sup> In its cost estimate on the bill, the Congressional Budget Office estimates that “this provision would have no effect on direct spending because that contract authority is not presently used by the NPS, and CBO does not expect that it will be over the 2009-2018 period.”<sup>6</sup>

A central issue of debate has been how to finance the Centennial Fund. Under H.R. 3094 as introduced, the Centennial Fund was to consist of \$100.0 million annually, with the funds derived from fees for commercial activities on DOI lands. The Secretary of the Interior would have been required to promulgate regulations to establish new fees or increase existing fees for commercial activities, including leases. Another approach was proposed during the markup of the bill by the Committee on Natural Resources. An amendment was offered to “open the Arctic National Wildlife Refuge to energy production to pay for the Centennial Fund.”<sup>7</sup> That amendment was not agreed to.

<sup>4</sup> House Committee on Natural Resources, *National Park Centennial Fund Act*, H.Rept. 110-795 to accompany H.R. 3094, p. 10. Hereafter H.Rept. 110-795.

<sup>5</sup> For many years, the annual Interior appropriations laws typically have rescinded this authority for the pertinent fiscal year. In the FY2009 NPS budget submission, the Administration proposed permanently canceling this contract authority.

<sup>6</sup> H.Rept. 110-795, p. 12.

<sup>7</sup> H.Rept. 110-795, p. 5.

Still another financing mechanism is contained in S. 2817, which would establish a Centennial Fund with \$100.0 million annually, essentially over 10 years. Section 8 of the bill, entitled “Offsets,” provides for financing the fund with certain revenues from offshore oil and gas activities in the Gulf of Mexico and from the establishment and sale of special postage stamps. Like H.R. 3094, the bill also contains provisions requiring the Administration to submit annually a list of proposals for funding, which must be consistent with certain criteria and seven initiatives, and allows the Secretary of the Interior to accept donations for projects and programs.<sup>8</sup>

House and Senate committees have held hearings on these legislative proposals. One issue of discussion has been the role of philanthropic, corporate, foundation, and other private donors in raising money for the parks. Some observers believe that non-federal funding has been successful in expanding and enhancing a variety of important park programs and is necessary to supplement a shortfall in federal appropriations. Other observers are concerned that non-federal funding will lead to commercialization of national parks and excessive private influence over park operations. Related issues of debate at the hearings included whether to first seek private contributions and then provide a federal match, whether to provide federal funding without a private matching requirement, and whether to allow non-cash contributions. Other issues of discussion were how to finance the Centennial Fund; the role of the NPS and Congress in determining projects eligible for funding; and which, if any, categories of funding (e.g., natural resource protection) to specify in legislation.

In furtherance of the third component of the Administration’s initiative, the FY2008 appropriations law (P.L. 110-161) included \$24.6 million to match private donations. On April 24, 2008, the NPS released a list of 110 projects that would be eligible to receive this funding, together with \$26.9 million in partnership contributions.<sup>9</sup> The Appropriations Committees and the Administration have expressed that the FY2008 appropriation is interim funding to initiate the program, and an expectation that legislation will be enacted to create a ten year program. The Administration has not requested an annual appropriation for this matching program, but rather seeks \$100.0 million per year in mandatory funding.

The FY2009 budget resolution (S.Con.Res. 70) contains a deficit-neutral reserve fund for the National Park Centennial Fund. It would allow the Chairman of the House Committee on the Budget to make adjustments to the amounts in the budget resolution to accommodate legislation establishing the Centennial Fund, so long as that legislation were deficit neutral.

## Maintenance Backlog

(by Carol Hardy Vincent)

The NPS has maintenance responsibility for buildings, trails, recreation sites, and other infrastructure. There is debate over the levels of funds to maintain this infrastructure, whether to use funds from other programs, and how to balance the maintenance of the existing infrastructure with the acquisition of new assets. Congress continues to focus on the agency’s *deferred maintenance*, often called the *maintenance backlog*—essentially maintenance that was not done when scheduled or planned. DOI estimates deferred maintenance for the NPS for FY2007, based on varying assumptions, at between \$6.12 billion and \$13.11 billion with a mid-range figure of \$9.61 billion. Fifty-six percent of the total deferred maintenance was for roads, bridges, and trails, 19% was for buildings, and 25% was for other structures.

<sup>8</sup> Another House bill (H.R. 1731) to establish a National Park Centennial Fund is described in the “Maintenance Backlog” section. A primary intent of the fund would be to eliminate the NPS maintenance backlog.

<sup>9</sup> A list of the approved projects and programs is on the NPS website at <http://www.nps.gov/2016/>.



While the other federal land management agencies—the Forest Service (FS), Bureau of Land Management (BLM), and Fish and Wildlife Service (FWS)—also have maintenance backlogs, congressional and administrative attention has centered on the NPS backlog. For FY2007, the FS estimated its backlog at \$5.66 billion, while DOI estimated the FWS backlog at between \$2.24 billion and \$3.03 billion and the BLM backlog at between \$0.38 billion and \$0.46 billion. The four agencies together had a combined backlog estimated at between \$14.39 billion and \$22.26 billion, with a mid-range figure of \$18.33 billion, according to the agencies.<sup>10</sup> The NPS and other agency backlogs have been attributed to decades of funding shortfalls. The agencies assert that continuing to defer maintenance of facilities accelerates their rate of deterioration, increases their repair costs, and decreases their value.

For FY2009, the Administration proposed \$471.5 million for *total maintenance*, including cyclic (regular) and deferred maintenance. FY2009 appropriations have not been enacted to date. The request would be an increase of 10% from the \$430.3 million appropriated for FY2008. The Administration’s budget focused on funds for cyclic maintenance, with a request for an *additional* \$22.8 million for this purpose. The Administration is seeking these funds as a way to prevent deterioration of facilities, which increases the maintenance backlog. However, the budget did not specify the total portions of the maintenance request for deferred maintenance and for cyclic maintenance.

According to the DOI Budget Office, the Administration is seeking \$189.7 million for NPS deferred maintenance for FY2009. The appropriation for FY2008 was \$222.1 million, about the same level as ten years ago—\$223.0 million for FY1999. Over the ten year period, the appropriation peaked in FY2002 at \$364.2 million.<sup>11</sup> Other funding for deferred maintenance is provided through the NPS construction appropriation, fee receipts, and the Highway Trust Fund. It is not possible to determine the total requested or appropriated for deferred maintenance for FY2009 from public documents.

DOI estimates of the NPS backlog have increased from an average of \$4.25 billion in FY1999 to an average of \$9.61 billion in FY2007. It is unclear what portion of the change is due to the addition of maintenance work that was not done on time or the availability of more precise estimates of the backlog. Further, it is unclear how much total funding has been provided for backlogged maintenance over this period. Annual presidential budget requests and appropriations laws typically do not specify funds for backlogged maintenance, but instead combine funding for all NPS construction, facility operation, and regular and deferred maintenance.

In FY2002, the Bush Administration had proposed to eliminate the NPS backlog (estimated at \$4.9 billion in 2002) over five years. The NPS budget justification for FY2008 stated that there had been an “almost \$5 billion federal investment in addressing the facility maintenance backlog.”<sup>12</sup> The figure reflected total appropriations for line items of which deferred maintenance is only a part. Specifically, according to the NPS, it consisted of appropriations for all NPS facility maintenance, NPS construction, and the NPS park roads and parkway program funded through the Federal Highway Administration. It also included fee receipts used for maintenance.

The NPS has been defining and quantifying its maintenance needs. These efforts, like those of other land management agencies, include developing computerized systems for tracking and prioritizing maintenance projects and collecting comprehensive data on the condition of facilities.

<sup>10</sup> Estimates are from DOI and the FS, and reflect only direct project costs in accordance with requirements of the Federal Accounting Standards Advisory Board.

<sup>11</sup> U.S. Dept. of the Interior, Office of Budget, Internal Memorandum (Washington, DC), received March 11, 2008.

<sup>12</sup> U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2008* (Washington, DC: 2007), p. Overview-2.



The first cycle of comprehensive condition assessments of NPS facilities was completed by the end of FY2006. The NPS uses two industry standard measurements of its facilities. The “Asset Priority Index” (API) is a rating of each asset’s importance to the NPS mission. The “Facility Condition Index” (FCI) quantifies the condition of a facility by dividing the deferred maintenance backlog by the current replacement value of the facility. These ratings are used in part to determine the allocation of maintenance funding among NPS facilities. They also are used to determine whether to retain assets given their condition and uses. The NPS, like the other land management agencies, is identifying for disposal assets that are not critical to the agency’s mission and that are in relatively poor condition, as one way to reduce the maintenance backlog.

Legislation relating to the maintenance backlog of the NPS has been reintroduced in the 110<sup>th</sup> Congress. H.R. 1731 seeks to eliminate the annual operating deficit and maintenance backlog in the National Park System by the 2016 centennial anniversary of the NPS. The bill proposes the creation of the National Park Centennial Fund in the Treasury, to be comprised of monies designated by taxpayers on their tax returns. If monies from tax returns are insufficient to meet funding levels established in the bill, they are to be supplemented by contributions to the Centennial Fund from the General Fund of the Treasury. For FY2008, there would be deposited in the Centennial Fund \$200.0 million, with an increase of 15% each year through FY2016. The fund is to be available to the Secretary of the Interior, without further appropriation, as follows: 60% to eliminate the NPS maintenance backlog, 20% to protect NPS natural resources, and 20% to protect NPS cultural resources. After October 1, 2016, money in the Centennial Fund is to be used to supplement annual appropriations for park operations. The bill also would require the Government Accountability Office (GAO) to submit to Congress biennial reports on the progress of Congress in eliminating the NPS deficit in operating funds and on the funding needs of national parks compared with park appropriations, among other issues.<sup>13</sup>

Three bills that are on the Senate calendar also relate to the NPS maintenance backlog. S. 2807 and S. 2809 provide that the designation of a National Heritage Area shall not take effect until the President certifies that (1) the designation will not cause specific adverse impacts, and (2) the total NPS deferred maintenance backlog in the state in which the NHA is proposed is not greater than \$50.0 million. S. 2807, as well as S. 2810, also contains provisions regarding the maintenance backlog of federal agencies generally. They seek to require that an annual report regarding the amount and cost of federally owned land be available to the public on the web. The report is to include the “estimated costs to the Federal Government of the maintenance backlog of each Federal agency,” including an aggregate cost and the cost of buildings and structures.

## Science in the Parks

(by Ross W. Gorte)

Various science-related issues pertain to park management. One involves monitoring and protecting air quality—the regional haze issue. In the 1977 amendments to the Clean Air Act, Congress established a national goal of protecting Class I areas—most then-existing national parks and wilderness areas—from future visibility impairment and remedying any existing impairment resulting from manmade air pollution. (Newly designated parks and wilderness areas can be classified as Class I only by state actions; they do *not* automatically become Class I areas.) One program to control this “regional haze” is the Prevention of Significant Deterioration (PSD) program. It provides that permits may not be issued to major new facilities within 100 kilometers

<sup>13</sup> Other legislation to create a National Park Centennial Fund is discussed above in the section entitled “Centennial Initiative.”

of a Class I area if federal land managers, such as those at the NPS, assert that the emissions “may cause or contribute to a change in the air quality” in a Class I area (42 U.S.C. § 7457). In June 2007,<sup>14</sup> the U.S. Environmental Protection Agency proposed changes in the PSD rules, “to refine several aspects of the method that may be used” to determine whether air quality in Class I areas would be degraded by a proposed activity. Proponents of the change contend that current rules are excessively restrictive; opponents assert that the change would allow increased emissions from coal-fired power plants in Class I areas.

The NPS monitors one or more air quality indicators at 60 park units and uses data from numerous state and local air quality monitoring stations located close to park units. From these combined sources, the NPS rated 141 park units in its 2006 performance report, covering the period 1996-2005, and concluded that 86% of the units showed stable or improving air quality trends generally, 82% met national ambient air quality standards, and 97% met visibility goals.<sup>15</sup> In August 2006, the National Parks Conservation Association released a new report asserting that “air pollution is among the most serious and wide-ranging problems facing the parks today.... We’ve made some important advances ... but much more remains to be done.”<sup>16</sup> The report includes 10 recommendations to improve air quality in the National Park System.

Another science-related issue is possible commercialization (bio-prospecting) of unique organisms found in some NPS units (notably Yellowstone National Park). The NPS completed a draft Environmental Impact Statement (EIS) on *benefits-sharing* (agreements for using the results of research on organisms in the parks) in September 2006. The preferred alternative would require researchers to enter into a benefits-sharing agreement before using research results for commercial purposes. The public comment period closed on January 29, 2007.<sup>17</sup> To date, a final EIS and record of decision have not been issued.

A third science-related issue is research in the parks. NPS support for natural resources includes research on air quality, cooperative ecosystem studies units, and research learning centers. Additional research is conducted in many parks, although “parks do not have specific funds allocated for research, but may choose to fund individual projects in any given year.”<sup>18</sup> Funding for natural resources research support has risen modestly in recent years, from \$9.3 million in FY2002 to \$10.2 million for FY2008. For FY2009, the Administration requested \$10.3 million; FY2009 appropriations for NPS programs have not been enacted to date. The Park Service also conducts cultural resources applied research, including archaeological resource inventories; reports on cultural landscapes and on historic and prehistoric structures; museum collections; and ethnographic and historical research. Funding has risen in recent years, from \$18.0 million in FY2002 to \$19.9 million for FY2008. The Administration requested \$20.3 million for FY2009. The completeness and adequacy of these programs and funds to address Park Service research needs and performance is unclear. Congress funds both these natural and cultural research programs as part of NPS Resource Stewardship (under Operation of the National Park System).

<sup>14</sup> 72 *Fed. Reg.* 31371-31399 (June 6, 2007).

<sup>15</sup> See the Final October 2007 report, *2006 Annual Performance and Progress Report: Air Quality in National Parks*, available via the NPS website at [http://www2.nature.nps.gov/air/Pubs/pdf/gpra/GPRA\\_AQ\\_ConditionsTrendReport2006.pdf](http://www2.nature.nps.gov/air/Pubs/pdf/gpra/GPRA_AQ_ConditionsTrendReport2006.pdf). For information on NPS air quality resources, see <http://www2.nature.nps.gov/air/index.cfm>.

<sup>16</sup> National Parks Conservation Association, *Turning Point*, p. 4, available on the web at <http://www.npca.org/turningpoint/Full-Report.pdf>.

<sup>17</sup> 71 *Fed. Reg.* 56168 (September 26, 2006). The EIS is available on the NPS website, at <http://parkplanning.nps.gov/document.cfm?parkId=442&projectId=12515&documentId=16763>.

<sup>18</sup> U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2008* (Washington, DC: 2007), p. ONPS-11-12.

For FY2008, a total of \$373.0 million was appropriated for NPS Resource Stewardship. The Administration is seeking \$410.4 million for FY2009.

## Security

(by Carol Hardy Vincent)

Since the September 11, 2001, terrorist attacks on the United States, the NPS has sought to enhance its ability to prepare for and respond to threats from terrorists and others. Activities have focused on security enhancements at national icons and along the U.S. borders, where several parks are located. According to the NPS, the United States Park Police (USPP) has sought to expand physical security assessments of monuments, memorials, and other facilities, and increase patrols and security precautions in Washington monument areas, at the Statue of Liberty, and at other potentially vulnerable icons. Other activities have included implementing additional training in terrorism response for agency personnel, and reducing the backlog of needed specialized equipment and vehicles. NPS law enforcement rangers and special agents have expanded patrols, use of electronic monitoring equipment, intelligence monitoring, and training in preemptive and response measures, according to the agency. The NPS has taken measures to increase security and protection along international borders and to curb illegal immigration and drug traffic through park borders.

A February 2008 assessment of the USPP by the DOI Inspector General identified weaknesses in the management and operations of park police that adversely affect security at national icons.<sup>19</sup> The report stated that USPP “officials continue to state that icon security is a top priority; however, their actions indicate otherwise.”<sup>20</sup> It stated that there is not a comprehensive icon security program, and recommended the hiring of a senior-level security professional to oversee security of all icons as well as other certified security professionals for each icon park. Other recommendations included development of formal asset security plans, establishment of a training program for personnel responsible for protecting icons, and an upgrade of closed circuit television surveillance camera systems as well as an increase in personnel monitoring them. Over the past several years, other entities have evaluated park police and security operations. For instance, a June 2005 GAO report examined the challenges for DOI in protecting national icons and monuments from terrorism, and actions and improvements the department has taken in response.<sup>21</sup> GAO concluded that since 2001, DOI has improved security at key sites, created a central security office to coordinate security efforts, developed physical security plans, and established a uniform risk management and ranking methodology. GAO recommended that DOI link its rankings to security funding priorities at national icons and monuments and establish guiding principles to balance its core mission with security needs.

Legislation pertaining to immigration reform and border security contains provisions affecting national park units along U.S. borders. For example, S. 1269 provides for the construction of a fence and other barriers along the southern border. The Secretary of Homeland Security is to create and control a border zone consisting of U.S. land within 100 yards of the border. The heads of the NPS and of other agencies that manage lands along the border are to transfer land to the Secretary of Homeland Security without reimbursement. S. 330 and S. 1348 call for a study of the

<sup>19</sup> U.S. Dept. of the Interior, Office of Inspector General, *Assessment of the United States Park Police* (Washington, DC: February 2008). See <http://www.doiioig.gov/>.

<sup>20</sup> Ibid., p. 6.

<sup>21</sup> U.S. Government Accountability Office, *Homeland Security: Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism*, GAO-05-790 (Washington, DC: June 2005). See <http://www.gao.gov/new.items/d05790.pdf>.

construction of physical barriers along the southern border of the United States, including their effect on park units along the borders. S. 1348, S. 1639, and H.R. 1645 would increase customs and border protection personnel to secure park units (and other federal land) along U.S. borders; provide surveillance camera systems, sensors, and other equipment for lands on the border, with priority for NPS units (under S. 1348 and H.R. 1645); and require a recommendation to Congress for the NPS and other agencies to recover costs related to illegal border activity. These three bills, as well as S. 2366, S. 2368, and H.R. 4088, also would require the development of a border protection strategy that protects NPS units (and other federal land areas). S. 2366, S. 2368, and H.R. 4088 also authorize the employment of additional law enforcement officers and special agents by DOI. In June 2007, the Senate considered S. 1348 and S. 1639 but did not vote on final passage because cloture was not invoked.

The Consolidated Appropriations Act for FY2008 included provisions on fencing along the southwest border (P.L. 110-161, Division E, § 564). Specifically, the law required the Secretary of Homeland Security to construct fencing along not less than 700 miles of the southwest border where it “would be most practical and effective.” The law further required the Secretary to provide for additional physical barriers, roads, lighting, cameras, and sensors “to gain operational control” to enhance control along the border.<sup>22</sup>

Other issues of recent interest have included the damage of illegal border activities to federal lands; how to reduce harm from illegal border activities; efforts of various agencies to secure federal lands along the borders; implementation of a memorandum of understanding among the Departments of Homeland Security, Interior, and Agriculture on initiatives to improve handling of illegal border activities and their impacts on federal lands; and the demands on law enforcement personnel of the federal land management agencies. Illegal activities at issue have included drug trafficking, alien smuggling, money laundering, organized crime, and terrorism. Such activities are reported to have damaged federal lands, including by creating illegal roads, depositing large amounts of trash and human waste, increasing risk of fire from poorly tended camp fires, destroying vegetation and cultural resources, and polluting waterways. The effects on federal lands of border enforcement activities in response to illegal immigration also have been examined.

Congress appropriates funds to the NPS for security efforts, and the adequacy and use of funds to protect NPS visitors and units are of continuing interest. Funds for security are appropriated through multiple line items, including those for the USPP and Law Enforcement and Protection. For FY2009, the President requested \$94.4 million for the USPP, a 9% increase over FY2008 (\$86.7 million). The increase would be used primarily to hire new officers. The President also requested \$169.8 million for law enforcement in FY2009, a 10% increase over the \$154.7 million appropriated for FY2008. A portion of the increase is to enhance law enforcement at park units along the southwest border that are addressing resource damage and safety issues resulting from illegal immigration. The increase also is intended to enhance protection of 11 historic structures and approximately 100 archaeological sites. FY2009 appropriations have not been enacted to date.

## Wild and Scenic Rivers

(by Sandra L. Johnson)

<sup>22</sup> For further information on the border fence, see CRS Report RL33659, *Border Security: Barriers Along the U.S. International Border*, by Blas Nuñez-Neto and Yule Kim.

The National Wild and Scenic Rivers System was authorized on October 2, 1968, by the Wild and Scenic Rivers Act (16 U.S.C. §§ 1271-1287).<sup>23</sup> The act established a policy of preserving designated free-flowing rivers for the benefit and enjoyment of present and future generations, to complement the then-current national policy of constructing dams and other structures along many rivers. The act requires that river units be classified and administered as wild, scenic, or recreational rivers, based on the condition of the river, the amount of development in the river or on the shorelines, and the degree of accessibility by road or trail at the time of designation.

Typically rivers are added to the system by an act of Congress, but they also may be added by state nomination with the approval of the Secretary of the Interior. Congress initially designated 789 miles of eight rivers as part of the system. Today there are 166 river units with 11,434.2 miles in 38 states and Puerto Rico, administered by the NPS, other federal agencies, and several state agencies.<sup>24</sup> The NPS manages 37 of these river units, totaling 3,043.7 miles.<sup>25</sup> Congress also commonly enacts legislation to authorize the study of particular rivers for potential inclusion in the system. The NPS maintains a national registry of rivers that may be eligible for inclusion in the system—the Nationwide Rivers Inventory (NRI).<sup>26</sup> Congress may consider, among other sources, these NRI rivers, which are believed to possess “outstandingly remarkable” values.<sup>27</sup> The Secretaries of the Interior and Agriculture are to report to the President as to the suitability of study areas for wild and scenic designation. The President then submits recommendations regarding designation to Congress.

Wild and scenic rivers designated by Congress generally are managed by one of the four federal land management agencies—NPS, FWS, BLM, and FS. Management varies with the class of the designated river and the values for which it was included in the system. Components of the system managed by the NPS become a part of the National Park System. The act requires the managing agency of each component of the system to prepare a comprehensive management plan to protect river values. The managing agency also establishes boundaries for each component of the system, within limitations. Management of lands within river corridors has been controversial in some cases, with debates over the effect of designation on private lands within the river corridors, the impact of activities within a corridor on the flow or character of the designated river segment, and the extent of local input in developing management plans.

State-nominated rivers may be added to the National Wild and Scenic Rivers System only if the river is designated for protection under state law, is approved by the Secretary of the Interior, and is permanently administered by a state agency. Management of state-nominated rivers may be complicated because of the diversity of land ownership.

The 110<sup>th</sup> Congress is considering legislation to designate, study, or extend components of the Wild and Scenic Rivers System. Such measures are shown in **Table 1**. The table includes bills that could involve management by the NPS or other agencies. On May 8, 2008, segments of the Eightmile River in Connecticut were designated (§344, P.L. 110-229) as part of the National Wild and Scenic Rivers System. The law requires the Secretary of the Interior to administer segments of the main stem and specified tributaries of the Eightmile River, totaling about 25.3 miles, as a scenic river.

<sup>23</sup> The text of the Wild and Scenic Rivers Act is available on the NPS website at <http://www.rivers.gov/wsract.html>.

<sup>24</sup> <http://www.rivers.gov/publications/rivers-table.pdf>.

<sup>25</sup> These figures reflect both exclusive and shared NPS management of river units.

<sup>26</sup> For further information on the Nationwide Rivers Inventory, see the NPS website at <http://www.nps.gov/rca/nri/>.

<sup>27</sup> 16 U.S.C. §1271(b).



The 109<sup>th</sup> Congress enacted legislation to designate, study, or extend specific components of the Wild and Scenic Rivers System. The Upper White Salmon Wild and Scenic Rivers Act of 2005 (P.L. 109-44) adds a 20-mile portion of the river to the system. The Northern California Coastal Wild Heritage Wilderness Act (CA) (P.L. 109-362) designates 21 miles in three segments of the Black Butte River as wild and scenic river components. The Lower Farmington River and Salmon Brook Wild and Scenic River Study Act (P.L. 109-370) directs the NPS to conduct a feasibility study to evaluate whether the 40-mile stretch of the lower Farmington River and Salmon Brook (CT) would qualify for possible inclusion in the system. Several other 109<sup>th</sup> Congress bills passed the House or Senate but were not enacted into law.

**Table 1. Wild and Scenic River Bills Introduced in the 110<sup>th</sup> Congress**

<b>Title or River</b>	<b>Type</b>	<b>Bill No.</b>	<b>Status</b>
Alaska Rainforest Conservation Act (designates river segments in the Tongass National Forest, AK)	Desig.	H.R. 3757	Introduced
Alpine Lakes Wilderness Additions and Wild Pratt River Act of 2007 (WA)	Desig.	H.R. 4113	Introduced
California Desert and Mountain Heritage Act of 2008 (designates river segments in Riverside County, CA)	Desig.	H.R. 3682 S. 2109	Referred to Sen. Comm. Hearing Held
California Wild Heritage Act of 2007 (designates CA river segments; study Carson River, East Fork, CA)	Desig./ Study	H.R. 860 S. 493	Introduced Introduced
Chetco River, Oregon (OR)	Technical Corrections	H.R. 6726	Introduced
Copper Salmon Wilderness Act (designates river segments of the North and South Forks of the Elk River, OR)	Desig.	H.R. 3513 S. 2034	Senate Calendar Senate Calendar
Craig Thomas Snake Headwaters Legacy Act of 2008 (WY)	Desig.	S. 1281	Senate Calendar
Eastern Sierra and Northern San Gabriel Wild Heritage Act (designates river segments in California) (CA)	Desig.	H.R. 6156 S. 3069	Introduced Hearing Held
Eightmile Wild and Scenic River (CT)	Desig.	S. 2739	P.L. 110-229
Fossil Creek Wild and Scenic River Act (AZ)	Desig.	H.R. 199 S. 86	Introduced Senate Calendar
Lewis and Clark Mt. Hood Wilderness Act of 2007 (Senate) and Lewis and Clark Mt. Hood Wilderness Act of 2008 (House) (designates waterways in the Mt. Hood National Forest, OR)	Desig.	S. 647 H.R. 6290	Senate Calendar Introduced
Lower Rogue Wild and Scenic Rivers Act of 2008 (OR)	Desig.	S. 3149	Introduced
Missisquoi and Trout Rivers Wild and Scenic River Study Act (VT)	Study	H.R. 3667 S. 2093	House Calendar Hearing Held
Natural Resource Projects and Programs Authorization Act of 2007 (designates river segments in the Mt. Hood National Forest, OR)	Desig.	S. 2180	Indefinitely Postponed

<b>Title or River</b>	<b>Type</b>	<b>Bill No.</b>	<b>Status</b>
New River Wild and Scenic River Act of 2007 (designates NC and VA river segments)	Desig.	S. 1057	Hearing Held
Northern Rockies Ecosystem Protection Act (designates ID, MT, and WY river segments)	Desig.	H.R. 1975	Hearing Held
Omnibus Public Land Management Act of 2008 (designates rivers segments in Mt. Hood and Elk River, OR; Owyhee, ID; Fossil Creek, AZ; Snake River, WY; Taunton River, MA)	Desig.	S. 3213	Senate Calendar
Oregon Caves National Monument Boundary Adjustment Act of 2008 (designates six segments of rivers within the boundaries of the proposed transfer of land) (OR)	Desig.	S. 3148	Hearing Held
Oregon Treasures Act of 2008 (designates river segments of Cave Creek) (OR)	Desig.	H.R. 6291	Introduced
Owyhee Initiative Implementation Act of 2007 (ID)	Desig.	S. 802	Introduced
Owyhee Public Land Management Act of 2008 (ID)	Desig.	S. 2833	Senate Calendar
Perquimans River Wild and Scenic River Study Act of 2007 (NC)	Study	H.R. 3139 S. 2357	Introduced Introduced
Protecting America's Wild Places Act of 2008 (designates river segments in Riverside County, CA, and Elk River, OR)	Desig.	H.R. 5610	Introduced
Rio Grande Wild and Scenic River Extension Act of 2008 (TX)	Extend	H.R. 6177	Ordered Reported
Taunton River (MA)	Desig.	H.R. 415 S. 868	Senate Calendar Senate Calendar
Washington County Growth and Conservation Act of 2008 (designates river segments within and adjacent to Zion National Park) (UT)	Desig.	S. 2834	Hearing Held

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